

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MANAGED OWNERS GROUP §
LLC, §
§
Plaintiff, §
§
v. § Civil Action No. 3:24-cv-1336-X
§
§
NATIONWIDE GENERAL §
INSURANCE COMPANY, §
§
§
Defendant. §

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Managed Owners Group LLC's motion to vacate judgment. (Doc. 66). After reviewing the briefing and the law, the Court **DENIES** the motion.

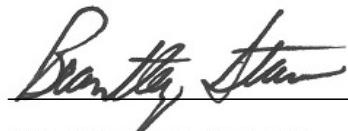
The Fifth Circuit requires a Rule 59(e) motion to "clearly establish either a manifest error of law or fact or must present newly discovered evidence' and 'cannot be used to raise argument which could, and should, have been made before the judgment issued.'"¹ Managed Owners relies on a document provided to the Court prior to its final judgment as grounds to vacate the final judgment.² Thus, facially Rule 59(e) is inapplicable because Managed Owners does not present "newly discovered evidence."

¹ *Schiller v. Physicians Res. Grp.*, 342 F.3d 563, 567 (5th Cir. 2003) (cleaned up).

² See Doc. 63, Ex. 2.

The Court granted summary judgment to Nationwide on Managed Owners's breach of contract claim because Managed Owners "failed to come forward with any evidence to segregate the damage."³ And the "[f]ailure to segregate covered and noncovered perils is fatal to recovery."⁴ Even considering the additional document, Managed Owners does not segregate damages between covered and noncovered perils.⁵ Again, the failure to do so is fatal. Accordingly, for these two reasons, the motion is **DENIED**.

IT IS SO ORDERED this 17th day of September, 2025.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

³ Doc. 64 at 7.

⁴ *Advanced Indicator & Mfg., Inc. v. Acadia Ins. Co.*, 50 F.4th 469, 477 (5th Cir. 2022) (per curiam) (cleaned up).

⁵ Additionally, any argument that Managed Owners did not have to segregate damages "could, and should, have been made before the judgment issued." *Faciane v. Sun Life Assurance Co. of Canada*, 931 F.3d 412, 423 (5th Cir. 2019) (cleaned up)."